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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,077	02/26/2004	Masayuki Nakagiri	1982-0209P	3543
2292	7590	11/29/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			SIPOS, JOHN	
			ART UNIT	PAPER NUMBER
			3721	

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/786,077		NAKAGIRI ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	John Sipos		3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 7-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/12/05</u> . | 6) <input type="checkbox"/> Other: _____  |

### ***RESTRICTION REQUIREMENT***

Claims 7-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on November 7, 2005.

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### ***REJECTIONS OF CLAIMS BASED ON PRIOR ART***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. ' 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

**Claim 1** is rejected under **35 U.S.C. ' 102(b)** as being anticipated by the patent to Muylle (4,480,742). The patent to Muylle shows a sheet processing apparatus comprising a longitudinal slitting apparatus 37, a transverse chopping apparatus 39, a stacking apparatus at 44, a transport apparatus 41/42 and a packing apparatus (column 5, lines 21-25).

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The following is a quotation of 35 U.S.C. ' 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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**Claims 2-4** are rejected under **35 U.S.C. ' 103(a)** as being unpatentable over the patent to Muylle (4,480,742) in view of Ballestrazi (European Application 819,637). The Muylle reference lacks the showing of a stack inversion apparatus and a cover sheet application apparatus. The Ballestrazi reference shows a sheet/magazine handling device which comprises at least two cover sheet application devices 12,12',12" and an intermediate gripping mechanism 25 that inverts the stack of sheets so that the cover sheets are placed on different sides of the stack. It would have been obvious to one skilled in the art to provide the Muylle apparatus with cover applying devices and intermediate inverting mechanisms so that the sheets can be applied on different sides of the stack as shown by Ballestrazi.

**Claim 5** is rejected under **35 U.S.C. ' 103(a)** as being unpatentable over the patent to Muylle (4,480,742) in view of Ballestrazi (European Application 819,637) as applied to the claims above, and further in view of the patent to Kwasnitza (German patent 3,703,951). The modified Muylee device does not show an inverter gripping mechanism rotating about an axis intersecting the direction of movement of the stacks. The Kwasnitza patent shows an inverting mechanism 1 that grips a stack of sheets and rotates about an axis perpendicular to the transport direction (See Figure 2) thereby positively gripping the stack during the manipulation of the stack. It would have been

obvious to one skilled in the art to substitute the inverting mechanism of Kwasnitza for the inverting mechanism of the modified Muylee apparatus to positively maintain control of and grip the stack throughout its inversion.

**Claims 6** is rejected under **35 U.S.C. ' 103(a)** as being unpatentable over the patent to Muylle (4,480,742) in view of Ballestrazi (European Application 819,637) as applied to the claims above, and further in view of the patent to Uno (5,507,615) or Maeda (5,365,817). The Muylee devices lacks the showing of transfer section in the transport devices that change the direction of movement of the stacks. The patents to Uno and Maeda shows the longitudinal and transverse cutting of sheets to form stacks and transporting the sheets by a transfer section that changes the direction of movement of the sheets without altering their orientation in this manner reducing the size/length of the transport line. It would have been obvious to one skilled in the art to provide the transport section of Muylee with a section for changing the direction of the sheets as shown by Uno or Maeda to reduce the size/length of the apparatus.

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***ADDITIONAL REFERENCES CITED***

The following prior art is made of record but has not been relied upon in the rejection of claims. However, the prior art is considered pertinent to applicant's disclosure.

The cited references show apparatus for cutting, chopping and stacking of sheets.

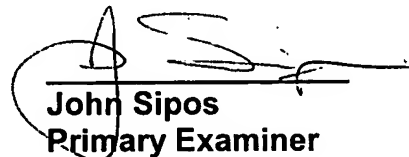
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication should be directed to **Examiner John Sipos** at telephone number **571-272-4468**. The examiner can normally be reached from 6:30 AM to 4:00 PM Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Rinaldi Rada, can be reached at **571-272-4467**.

The **FAX** number for U.S. Patent and Trademark Office is **(571) 273-8300**.



**John Sipos**  
**Primary Examiner**  
**Art Unit 3721**

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